

TOWN OF CHATHAM
488 State Route 295, Chatham, New York 12037

TOWN BOARD MEETING MINUTES

June 20, 2019

6:00 PM

PRESENT

Supervisor Maria Lull, Councilman Bob Balcom, Councilman Michael Richardson, Councilman John Wapner, Councilman Kevin Weldon, Town Clerk Beth Anne Rippel

At 6PM Supervisor Lull made the decision to move the Town Board meeting to the East Chatham Fire House due to the size of the crowd.

The meeting at the East Chatham Fire House was called to order by Supervisor Lull at 6:30 PM. The pledge to the flag followed. There were approximately 130 people in attendance.

CORRESPONDENCE

Lull has correspondence

PROPOSED LOCAL LAW P2 OF 2019

- Town Board, Town Planner and Town Attorney to complete adoption process.

Attorney John Lyons recommended that the Board hold off on voting on LL P2-19 due to a discrepancy regarding manufactured housing explained Councilman Balcom. A Town resident brought to the Boards attention the existence of a NYS law from 2015 which prohibited discrimination against manufactured housing and also offered the current, correct language to be used for mobile, manufactured and modular housing.

- Town Board comments on proposed new zoning law. Town Board members read prepared statements explaining the reasons for their decisions.

WELDON

Kevin Weldon's Remarks Regarding the Proposed Zoning Law

"FIRST, I HAVE TO SAY HOW GRATIFYING IT IS TO SEE SO MANY PEOPLE HERE THIS EVENING. IT IS THROUGH CITIZEN INVOLVEMENT THAT GOVERNMENT CAN BEST SERVE THE NEEDS OF THE PEOPLE OF OUR TOWN. I KNOW SOME OF YOU FEEL YOU DON'T HAVE TIME TO GET INVOLVED WITH TOWN ISSUES, BUT IT IS PRECISELY BECAUSE DOZENS OF TOWN RESIDENTS MADE TIME TO VOLUNTEER TO SERVE ON COMMITTEES, AND PLANNING AND ZONING BOARDS, WORKING ALONG SIDE ELECTED OFFICIALS, FOR HOURS, WEEKS, MONTHS, AND EVEN YEARS, THAT WE HAVE BEEN ABLE TO UPDATE THE ZONING LAW THAT WAS SCHEDULED TO BE VOTED ON TONIGHT. OURS IS A DIVERSE COMMUNITY, MADE UP OF

RESIDENTS WHOSE FAMILIES HAVE LIVED HERE FOR GENERATIONS, AS WELL AS SOME WHO HAVE ONLY BEEN HERE TWENTY OR THIRTY YEARS, OR MAYBE EVEN JUST ARRIVED TO OPEN A BUSINESS ON OUR MAIN STREET IN THE VILLAGE. SOME OF US LIVE HERE 365 DAYS A YEAR, WHILE SOME OTHERS SPEND A GOOD DEAL LESS TIME. BUT WHETHER WE LIVE ON A LARGE RURAL PROPERTY OR A SMALL HOUSE IN THE VILLAGE OR ONE OF THE HAMLETS, EACH OF US HAS SOMETHING IMPORTANT TO BRING TO OUR COMMUNITY. WITH NEARLY FOUR THOUSAND RESIDENTS, IT IS EASY TO IMAGINE THAT EVERYONE MIGHT NOT AGREE ON ALL THINGS, ESPECIALLY WHEN IT COMES TO THE QUESTION OF WHAT WE ARE ALLOWED TO DO ON OUR OWN PROPERTY. THERE ARE SOME RESIDENTS WHO FEEL LAND USE SHOULD BE HIGHLY REGULATED, WHILE SOME OTHERS BELIEVE THEY SHOULD BE ABLE TO DO WHATEVER THEY LIKE ON THEIR OWN LAND. BUT AS WE ARE A COMMUNITY, THERE MAY BE TIMES THAT EACH OF US MUST COMPROMISE FOR THE GREATER GOOD OF THAT COMMUNITY. NONE OF US

2. LIVE IN A VACUUM, AND OUR ACTIONS WILL MOST CERTAINLY AFFECT THOSE LIVING AROUND US. STRIKING A BALANCE CAN BE DIFFICULT, AND THE ULTIMATE GOAL WOULD BE FOR THE MOST PEOPLE TO GET THE MOST OF WHAT THEY WANT. LANDING SOMEWHERE IN THE MIDDLE DOES NOT MEAN ANY INDIVIDUAL'S CONCERNS WERE NOT HEARD, BUT RATHER THAT MANY VARRIED CONCERNS WERE HEARD, AND COMPROMISES HAD TO BE MADE. AS FOR THE SHORT TERM RENTAL REGULATIONS ON A USE THAT WAS NOT PERMITTED IN THE OLD ZONING, ADJUSTMENTS HAVE BEEN MADE AFTER SEVERAL OF THE PUBLIC HEARINGS, SHIFTING THE REGULATIONS ONE WAY OR ANOTHER. FOR EXAMPLE, THE THIRTY DAY AGGREGATE SHORT TERM RENTAL ALLOWANCE FOR ANY CHATHAM HOMEOWNER, IS FAR BEYOND WHAT SEVERAL PRO-SHORT TERM RENTAL ADVOCATES FOUND ACCEPTABLE LAST FALL, BUT NOW FIND UNSATISFACTORY. SUCCESSFUL COMMUNITIES MUST PLAN FOR THE FUTURE TO AVOID PROBLEMS DOWN THE LINE. THE OVER THREE HUNDRED SHORT TERM RENTALS IN HUDSON ARE WREAKING HAVOC ON THE HOUSING MARKET THERE. AND, YES, I'VE BEEN TOLD MANY TIMES THAT "CHATHAM IS NOT HUDSON", BUT WHO COULD HAVE IMAGINED TWENTY YEARS AGO THAT A TWO BEDROOM APARTMENT TO RENT THERE WOULD BE NEARLY IMPOSSIBLE TO FIND, OR THAT SO MANY PEOPLE WOULD EVEN WANT TO? CHATHAM IS ALREADY IN THE POSITION OF NOT BEING ABLE TO HOLD ONTO NEWLY HIRED TEACHERS BECAUSE THEY CANNOT AFFORD TO BUY, OR EVENT RENT A HOME HERE. WITH THE IMPROVEMENT OF RURAL INTERNET SERVICE, AND THE POSSIBILITY OF TRAIN SERVICE RETURNING TO CHATHAM IN THE FUTURE, UNLESS SOMEONE BUILDS A WALL AT EACH EXIT RAMP OF THE TACONIC, OUR POPULATION WILL CONTINUE TO EVOLVE. AND WE, AS A COMMUNITY, MUST WORK TO HEAD OFF PROBLEMS BEFORE THEY ARISE, RATHER THAN DO NOTHING AND FACE UNANTICIPATED TROUBLE. 3. WE MUST NOT LET THE DIVERSITY OF OUR POPULATION DIVIDE US, BUT RATHER DRAW UPON IT, TO GIVE US STRENGTH, AS WE, AS A COMMUNITY, PLAN FOR THE FUTURE TOGETHER."

WAPNER

Statement town board zoning 6-20-19

"First, I would like to thank members of all committees who put countless hours into the development of this zoning law. I would like to thank Bob Balcom and Maria Lull who were primarily responsible for providing leadership and getting this difficult task accomplished. I would also like to thank many citizens

who came forth and had the good sense to familiarize themselves with the document and use public comment as a forum to make constructive comments and suggestions.

I recognize this zoning law is not perfect, but I am voting to pass it for many reasons having to do with governance of our town.

Philosophically, zoning is a hot button issue because it raises the never-ending tension between the individual and the community. I have been aware of this inherent tension as I considered how best to compromise among competing interests. I am well aware that the individual property owner has rights but I also believe that the person next door has rights that need to be considered. I have participated in all kinds of administrative tasks including sub-committees, workshops and public hearings because I believe that when a town takes the time and makes an effort to grapple with a problem it leads first to conflict and frustration but ultimately better clarity about details of how the town wants to address any issue of governance.

This is the second difficult community debate Chatham has had about a comprehensive plan and zoning. From all reports the first which occurred in the early 70's was just as lively as this one. I believe that those who had the courage to pass the existing zoning law were way ahead of their time. When I compare how surrounding towns have fared with growth, I believe Chatham's existing law has done a great deal to preserve our rural quality. Was the law perfect? No. Was it in need of update? Yes. Is this proposed law perfect? No. But it is as well conceived as it can be at the end of a long process. My vote to pass this proposed law is also made with the commitment from the board that there will be an ongoing process to improve the law and a committee established to update the Comprehensive Plan.

I cannot deny that the new zoning laws are based on a ten-year-old plan but I believe that when the comprehensive plan is updated many perspectives about what people want and how those goals will be achieved will be more similar to the old plan than radically different. For me, it is more prudent to move forward now.

One of the most important underlying strengths of the new law is that it reflects a better understanding of how Special Use Permits effect the development of a town. The old law seemed to have an underlying rule of thumb: "if a use is controversial require a 'special use permit.'" The problem with that approach is that New York State is clear that if the use is legal with a special use permit then the town is basically authorizing the use and only can modify it through mitigation. Unfortunately, mitigation just cleans up a project. Over time, cumulative mitigation on multiple projects changes the nature of town in ways that may have not been intended.

The new law shifts away from such heavy reliance on special use permits and resulting mitigation as a primary way of approaching difficult use issues. Many more difficult choices were made about what uses were consistent with the comprehensive plan and what uses were not. For those uses considered consistent with the plan more specific regulations were made so a use would reflect what was considered desirable for a particular zoning district.

Overall, the most notable addition to permitted uses in the proposed law is the inclusion of short-term rentals as a use. When the 2nd Committee submitted its work to the board it became clear that the board needed further deliberation about this new usage. It deliberated; it consulted the public and sought advice from its land use attorney and its planner. I think the resulting zoning regulations are a fair compromise among competing interests and are based on sound guiding principles. The proposed regulations use the concept of home occupation as the umbrella for authorizing this use. The definition allows a resident to earn extra income by renting out part or all of their domicile. It allows a resident to do this as much as the resident wants provided the resident meets a set of regulations and limitations. It even gives nonresident property owners that right on a more limited basis. Parts of the regulations on short term rentals are clearly designed to limit commercial investors from buying a property in a residential zone with the intent of using that property exclusively as a commercial short-term rental, not as a residence. It also discourages potential second homeowners from buying a property with the idea of renting it for more than 30 days. The intent of the new zoning regulations is to keep our residential areas residential, places where you know your neighbor. It is also intended to encourage commercial development in business zones.

If one reads the law one will understand that it offers more protection of our diverse topographies and adds water resources and roads that must be considered when developing a town. I believe that when the comprehensive plan is reviewed farming will remain a lynch pin for the town's future as it has been in the past. The law offers liberal rights for various farm related activities so that we can help twenty-first century farming remain viable.

I am voting yes on the proposed zoning law. I hope that the residents of Chatham can work together to improve this new law in the years ahead. We need people who will focus on how to eliminate over-regulation, help develop better enforcement and analyze what went wrong when the law does not have its intended effect. Stay involved and you will find out the truth: this is a progressive government that strives for transparency, works hard to bring people together and improve our town."

RICHARDSON

(Richardson offered verbal comments, there was nothing in writing.) explained his history working in the Town, "first being appointed to the Board in November 15 of last year to fill a vacancy due to a resignation. He was not part of the Comprehensive Plan, during those years he was working on a project in Nicaragua. When he moved back to Chatham on a full time basis he became involved with the Town to work on financial matters on a voluntary basis but was still not involved with planning and zoning. He was then asked to join the Zoning Board of Appeals in January of 2018. When it came to the Comprehensive Plan and the proposed zoning law he had a lot of education he needed to get to for himself. He turned to the people who had been working on the Comprehensive Plan. Now, he's heard several times that the Town Board is not listening to residents, and he has to say that the Town Board is listening to many, many voices. He went to the people who had worked on the plan asked them to tell him what's in the Plan and why. There were dozens of people, some of whom are going to speak tonight, he went to Van Calhoun and Randi Walker, literally dozens of people and they put their

opinions and values and recommendations in writing for us all to read. Richardson read the Comprehensive Plan but he sat down and asked them what they are trying to accomplish here, he listened to them. Through this process the Board has many public comment opportunities where **we** listened. We have also had three public hearings since November (four altogether but three since he's been on the Board), the comments are on the record and they listened. And as Wapner and Weldon have mentioned there were compromises. There were at least a half a dozen issues where John and I disagreed and we still don't agree. There was one on the residency requirement on the domicile of 165 days, Kevin and I voted no. There were times we disagreed amongst ourselves but they kept on trying to find a compromise. And even over the time he's been on the Board, (refers to Kevin) when it comes to the non-domicile property will be called a thirty allowance. That was not popular across the five members of the Board and it certainly wasn't popular in the community. People said that they were going to sue us but we did it, we balanced it out. So you look for the compromise. I just want to give you an example; there are extremes, there are people who have (want) nothing to do with zoning, zoning is an intrusion on their property rights, and then there are people who have a very extreme view on zoning. He's going to pick on a friend of his, they have disagreeing conversations and he (the friend) wrote on STR. He's been gathering articles for the last couple of years on how Airbnb destroys communities everywhere it goes. It is a menace that must be vigorously regulated and allowed only to the most minimal extent. I've been contemplating putting together a website of my own but I haven't had the time or energy to devote to it. We are counting on you and the Board to resist them with everything you've got. Richardson went to this person and said that they are compromising but there is going to be STR, it's going to be allowed. Current zoning law doesn't allow it it's not a permitted use. SO as you all know if you have an owner occupies home and you have one or two bedrooms you need to register. If you have three to five bedrooms you need to register and get a SUP which will look at parking and signage and a few other things. These two types of rentals are not allowed but his friend would say that Richardson wasn't listening to him. "You get where I'm going with this" Richardson said. He has to say that with all seriousness that everyone on the Board is listening. The only people who agree are those who compromise and that the Board had been listening to everyone even if they did not agree with everyone who said something. Simply because you don't agree does not mean that you're not listening, it just means that you don't agree. This leads me to the only other thing that I want to talk about tonight. My colleagues need to say more about this and that they've been involved more than I have since last November, it's on civility. In this country what's happened to civility. We all agree at the national level there is no longer civility, He looked, there's this nonpartisan, nonprofit organization called the Institute for Civility in Government, and that made him sad that we've gotten to the point that we have to have a nonprofit whose sole mission is to promote civility in local government. I've been saddened twice because we've really had a lack of civility in this debate. I've have had people who have gone digging for dirt looking for things that might be about me or about other board members that are totally false and have no foundation at all. People that stand up and call people... assume things; assert things with no foundation, that's not necessary. My dear friend, we sit down and talk. Randi, I'm going to pick on you.... One of the first times we met we had a disagreement, we talked and talked and we remained civil and we still talked. Enough said, I think everyone in this room understand how compromise comes about. I think everybody in this room understands how we're all listening to each

other and I think everybody in this room truly regrets that we've slipped in our society to the point that civility was no longer common."

BALCOM

Bob Balcom's Written Statement Regarding the New Zoning Code

"Did you ever wonder what it was like before zoning? What could you do if your backyard neighbor decided to build a slaughterhouse on your property line? What could you do to control the noise, waste disposal, smell and traffic before zoning? The answer is... go to court and show how the impact is disrupting your right to peace, quiet and privacy. But what if you don't have the money to hire an attorney and go to court? Too bad, enjoy your new problem, reduced property value and a total disruption of your way of living.

The pros for zoning far outweigh the cons. I recognize that the leading con is that all property owners may be required to relinquish some of their individual property freedoms. But this is for the common good of the community. The main reason for zoning is to give the community some control over land uses, appearance and quality of life going forward. It establishes a variety of opportunities, certainty for private investment and a review process that is designed so that everyone is treated fairly.

Communities have a right to determine the common good. Local government is given the responsibility of developing policy for the community. This requires a careful approach in which not everyone, especially those having a strong property rights position, will agree. Thus a local government must do its best to find compromise and balance these difficult, opposing forces.

The approach taken to develop the Comprehensive Plan reached out to every sector of the community. In the end a very detailed and balanced document was created. I know as I was there from the beginning. It was hard work but it was done well. The Comprehensive Plan remains highly relevant and reflective of the community.

The writing of the zoning code has been equally as difficult. In these litigious times a great deal of detail must be included in the language. This is necessary to prevent going to court, not the other way around. When code is clear everyone knows the conditions. If it is not, then you end up like the days before there was no zoning. Your only avenue is the court system for help. It is more efficient when everyone knows, and follows, the rules. By doing so avoids unnecessary time delays and the chance applicants may be treated differently.

It is disheartening to see those with self-interests trying to attack the draft zoning code with exaggerated claims of doom and gloom. Using the code out of context may be a way to create an issue for political purposes but it is disingenuous and hurts our community. It is pure manipulation for reasons I do not understand. So let's clear some things up.

For example, a claim has been made that there will be no grandfathering. That is a false statement as it is being applied to all aspects of the code. It only applies to a use that is currently not in the code, such as short term rentals, and is thus illegal. For example, if you have a sign that now meets code, but may

no longer be of an allowed dimension in the new code, you do not have to change it. You only would should you decide you want a new sign. But if you put up a sign a few years ago without a permit, and it does not comply with the new code, sorry. You put up an illegal sign thus it is not grandfathered. Really, it is that simple.

To also take a definition for a use and not apply it in the context of the zoning code does not give the full meaning of the word. All words are used in sentences which clarify the use of the word. The definitions were developed from the existing code and patterned after American Planning Association definitions. They have been legally reviewed and adjusted to make sure they are not taken out of context. In no manner does the Board intend that a dog scratching in your yard would be considered a disturbance in the soil.

People focusing on the penalties for violations of the code are showing a lack of understanding of the process. It's a red herring. They completely ignore that to get to the penalty phase you have to be in total noncompliance after receiving several informal warnings, official warnings, stop work orders and other avenues before any penalty would ever be imposed. Why would you violate the code in the first place? You are given time to make things right. Failure to do so really is on you.

And the noise regulations set in the zoning have a basis from the mitigation agreement created by the Zoning Board of Appeals several years ago. That too has been taken out of context. The key emphasis of the zoning is to promote the rural character of Chatham as new development takes place. Our residents were clear about their desire to have a quiet, peaceful, and rural quality of life – and that means low levels of ambient noise. The zoning is established to continue those conditions.

The boogey man mentality of using a professional service to assist the Town in keeping track of short term rentals is ridiculous. They only use publicly available information to review those advertising STRs. They provide vital, cost saving, support that will help make our new short term rental code successful. As a landlord wouldn't you want to know if there is a problem so that you can nip it in the bud? That's one of the main services they provide. And if you are complying don't you want all the others to also? They are not prying into your private life. That's being left for social media and on-line businesses.

The latest argument is that the Comprehensive Plan is outdated thus no work should be done until it is updated. This shows a lack of understanding of a Comprehensive Plan. It is a futuristic view of looking at how the town will grow over the next 5 – 20 years. It is a guideline and considering how thorough the information was obtained to write it, the document remains solid and relevant. That this phase of the implementation was delayed for years was a travesty.

So in conclusion, all the work that has been done to produce this new code is a remarkable effort meeting the needs of our community as it changes. It attempts to strike a balance we all can live with. I support the passing of this code without reservation. It is for the common good of our town. And it is for all the people who pointed the direction for us, worked to make a dynamic Comprehensive Plan, and to implement it with this code."

Lull

SUPERVISOR'S STATEMENT ON NEW ZONING LAW June 20, 2019

"In 1963 John F. Kennedy said: "Change is the law of life. And those who look only to the past or present are certain to miss the future."

Starting almost 50 years ago, the concerned citizens of the Town of Chatham instituted a zoning law, the first in Columbia County, which was a plan to guide the changes in development and which preserved the Town as we know it today. Those citizens were thinking about the Town's future.

With the enactment of the 2009 Comprehensive Plan, developed by multiple committees over the course of a number of years, the citizens of the Town once again decided the course the Town would take in defining its future development, preserving environmental resources, and maintaining its rural small-town and historic character as well as its agricultural resources.

In addition, after wide-ranging public input, research, and analysis of data on the Town, the Comprehensive Plan outlined the goals, policies, and strategies for both short- and long-term protection and growth.

At this point, the Town Board is charged with voting on a proposed new Zoning Law that has taken nine years to draft, six years by the first implementation committee and then three years by the current Zoning Advisory Committee. These past three years, the Zoning Advisory Committee, working with the town planner, has worked diligently to formulate a comprehensive zoning ordinance that fits the rural character and social fabric of the Town of Chatham.

I want to give thanks to the nearly 100 citizens who worked on the Comprehensive Plan and on the implementation committees over the course of this project. They are too numerous to name, but they know in their hearts that they have given us a guiding document that will shape the Town for many years to come.

The new zoning law will be better defined and more consistent than the existing law that it will replace, and it will reflect Chatham's needs as they develop. We must remember that this proposed new zoning law will be an evolving document and will be subject to future changes by the Town Board based upon recommendations from the Planning Board, the Zoning Board of Appeals, and a yet-to-be-established Comprehensive Plan Update Committee.

Town residents value the Town of Chatham's unique environmental features and want to protect and enhance its rolling hills, woodland, creeks, brooks and country byways. These environmental resources are critical to the quality of life for many of us who live, work, or have second homes in the Town. It is important to recognize that the new zoning law was established based upon the Comprehensive Plan and that its land use policies and procedures are consistent with that Plan.

In fact just recently, the Hudson River Watershed Alliance awarded me, Joe Rickert, and the Town of Chatham the 2019 Watershed WaveMaker Award for working collaboratively with Trout Unlimited to identify road-stream crossings that are barriers to fish and wildlife and potential flooding hazards, resulting in a Road-Stream Crossing Management Plan for the Town.

Local Law P2 of 2019 will help the Planning Board and the Zoning Board of Appeals make clear, definitive choices and shape the future of the Town of Chatham with each decision that they make.

The Town Board has listened to the many public comments throughout the adoption process and made appropriate adjustments to the proposed zoning law, especially as it relates to short-term rentals. We have heard the legitimate concerns of many residents regarding the increasing cost of living and the limited supply of rentals and affordable housing. We have educated ourselves to understand that home sharing is an economic resource for some residents and so have worked to legitimize home sharing in our Town. We have provided for effective enforcement and safeguards for permanent housing so that commercial operations within residential zones can no longer abuse the system.

Under this new zoning law, the orderly change and growth of the Town will encourage new business and new residents, both full-timers and weekenders. It will protect the environment, open spaces, natural resources, hamlets and residential neighborhoods, and property values.

This zoning law will help protect your property values by keeping incompatible or unsuitable users away from your property. The new zoning law will make property attractive to developers who prefer to propose projects to communities who will accept the project because it is compatible with uses permitted in the specific zoning district.

This zoning law is good for the Town of Chatham!

This zoning law will make the Town of Chatham the premier town in Columbia County Now and in the Future!

I will be voting in the affirmative for Local Law P2 of 2019.

I want to personally thank all the members of the Town Board, our town attorneys, John Lyons and Kim Garrison, and town planner, Nan Stolzenburg, and most especially Deputy Supervisor Bob Balcom for chairing the Zoning Advisory Committee, and also all the committee members. You have all contributed greatly to the future of the Town and should be very proud."

Lull stated that the Board would be conducting a business meeting. Told the audience that they were welcome to stay but if the plan is to leave she'll give them a minute or two to do so. An audience member asked if the Board would switch the agenda around and open up for public comment now. To which Lull responded "I guess you don't want to know what's going on in your town." Chatter from the audience prompted Lull to defer to the Board for their suggestions. Balcom felt that the Board could get through the agenda pretty rapidly and asked if everyone to hang in there.

SUB-COMMITTEE REPORTS

- Report by Councilman Wapner and Councilman Weldon regarding the Park & Recreation Committee. Wapner reported that they have a very active committee and gave a brief overview: the committee meets monthly to working to improvement recreation in the Town of Chatham.. Their focus has been on the 3rd annual Park Day where the public is invited to recreate and learn more about the Parl. They started CARP (Chatham Area Recreation Project) which functions as a fundraising group to assist with scholarship opportunities for summer campers.
- Report by Councilman Richardson on the meeting of the Citizens Finance and Planning Committee. Richardson said that the committee is comprised of Town Board members as well as citizens and their next meeting is on June 21 at 1PM. All meetings are open to the public. They will review YTD expenditures and make recommendations on areas where they believe are under stress.
- Report by Councilman Weldon and Councilman Balcom on Climate Smart Community Committee. The highway garage heating system will be in the final stages of completion. They submitted the final report on EVCS so they'll be getting their \$12,000 grant check to cover that . The next project is recommendations on converting street lighting to LED.
- Report by Councilman Michael Richardson on Economic Stabilization Committee. They started in March and they have a mandate to work on affordable housing and small scale business along the 295 corridor from the Village to the Taconic State Parkway. They have met with the Village Board to discuss renovation of the court room at the Tracy Memorial. Affordable housing and small scale business hast to do with improving the infrastructure and how do we tie in water and sewer with the Village. The Village needs more usage to help pay their fees. This is a wonderful opportunity for collaboration. They are about to engage a firm from Albany to do a pre planning proposal. Richardson said that all committee members are reachable to the public if they have questions.

REPORTS

Reports on file

- Highway Department
- Assessor
- Code Enforcement/Building Inspector
- Dog Control
- Environmental Management Council – no report
- Finance Department Report
- Justice Court
- Office of the Aging Advisory Board – no report
- Recreation Director
- Supervisor's Report
- Town Accounting firm – Monthly Financial Report & Abstract

- Town Attorney – no report
- Town Clerk

NEW BUSINESS

- Appointment of Evan Young, alternate, to full term member of the Planning Board.
 - Supervisor signed on for supporting Senator Jordan's letter to Governor to restore funding for the Extreme Winter Recovery Program.
 - Town Hall roof bids none received; to be re-advertised.
 - Pavilion Bids – will need Special Meeting week of July 1 to approve bid.
- Lull explained the project. Richardson asked if a quorum was needed for bid opening. No. Decided to set the meeting for July 1 at 6PM.

OLD BUSINESS

- Update: Albany Turnpike Traffic Signal and Route 295 Intersection: Baron & Loguidice, town engineers, report Department of Transportation completing design & project reports. Construction, hopefully, to be scheduled for September 2019. DOT gave a 175,000.00/\$200,000. grant for the expense of the traffic signal.
- Building Department and Citizens Finance & Planning Committee recommendations on setting Short Term Rental registration/permit fee. Lull said we can not pass this STR registration fee resolution until the law is passed.
- Children's Garden Summer Camp Program Instructor hired through donation from Chatham Area Recreation Program (CARP). Wapner said that the Town inherited this Children's Garden and CARP decided to take on the funding and hiring responsibilities. Since they are a fledgling organization the actual hiring is going to be done by the Town. That person is also the program instructor. Logistically it's been difficult, how to handle getting money from CARP to the Town. "Administrative tangle."

RESOLUTIONS

- **Resolution 130-2019** to appoint alternate Evan Young to full term on Planning Board. WHEREAS, the Town of Chatham Planning Board co- deputy chair, Robert Walker, passed away on June 5, 2019, and WHEREAS, the Town Board must fill the vacancy created and Evan Young has been servicing as an alternate on the Planning Board, and NOW, THEREFORE, BE IT RESOLVED, that the Town Board appoints Evan Young to fulfill the remainder of the unexpired term of January 1, 2019 to December 31, 2025 to commence on July 9 2019. **A motion for adoption** was made by Weldon and seconded by Wapner. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 131-2019** to accept the financial abstract as presented to pay the Town bills.
A motion for adoption was made by Wapner and seconded by Richardson. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 132-2019** to accept the Town Account's financial Supervisor's Report of May 31, 2019.

A motion for adoption was made by Richardson and seconded by Balcom. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 133-2019** to approve the minutes of the Town Board Meeting(s) May 2, 16, 23, 29 and June 6, 2019.

A motion for adoption was made by Weldon and seconded by Wapner. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 134-2019** (1) adopt a Negative Declaration as the Town Board's Determination of Significance with regard to the Board's environmental review of proposed "Local Law P2 of 2019, a Local Law enacting a new Zoning Law for the Town of Chatham" pursuant to the State Environmental Quality Review Act (SEQRA); and (2) adopt proposed "Local Law P2 of 2019, a Local Law enacting a new Zoning Law for the Town of Chatham. **NO ACTION TAKEN**

•**Resolution 135-2019** to adopt Town Guidelines for Use of Technology Resources.

WHEREAS, Technology Resources are key assets of the Town of Chatham that are essential to the performance of Town business and are a part of the daily work of most employees and WHEREAS, the Town Board had determined that it is necessary to set standards for the use and the protection of data and information in these technology resources, NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chatham adopts the Guidelines for Use of Technology Resource Policy and Procedure dated June 20, 2019, which shall be effective immediately. The guidelines apply to all employees of the Town as well as to any other individuals, including consultants, interns, temporary employees and vendors (collectively "other Users") who have authorized access to these technology resources and it is further RESOLVED that each person or entity subject to this Policy shall execute the Employee or User Acknowledgement and Acceptance Form attached to the Policy within 30 days of this resolution.

A motion for adoption was made by Weldon and seconded by Wapner. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 136-2019** to amend 2019 Budget to include Children's Garden Instructor donation from CARP and expenditure for Garden Instructor.

WHEREAS, sufficient registration fees for the Chatham Children's Garden and a donation from Chatham Area Recreation Program (CARP) will fund a Lead Instructor position for the Chatham Children's Garden,

and WHEREAS, the total number of hours to be funded for Lead Instructor are 140 at \$20 per hour, equaling \$2,800, as follows:

23 hours lesson planning and pre-camp garden preparation

105 hours total for 30 days of camp (3.5 hours a day / 17.5 hours a week)

12 hours post-camp for closing the garden and readying beds for the following season

WHEREAS, the amount collected in registration fees is \$2,150 and the donation from CARP is \$650 plus \$215.00 for Social Security for a total of \$865.00, NOW, THEREFORE, BE IT RESOLVED, to create a budget expenditure line A7140.131 titled "Children's Garden - Lead Instructor" at the amount of \$2800, and BE IT FURTHER RESOLVED, to show two lines for Revenue A2705 and use a sub line: A2705: Gifts and Donations and A2705.1: Gifts and Donations-Carp and increase the CARP amount from \$0 to \$865.00
A motion for adoption was made by Weldon and seconded by Wapner. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 137-2019** to approve Justices attending annual conference.

WHEREAS, the Town Justices request from the Town Board to attend the NYS Magistrates Annual Conference from September 15-18, 2019 wherein the State of New York pays for all transportation to and from the Conference as well as the first night's lodging. The Town is responsible for 2 nights lodging plus the registration fee which totals approximately \$650. WHEREAS, the cost for the conference is included in the Court's 2019 budget. NOW, THEREFORE, BE IS RESOLVED, that the Town Board approves the Justices' request to attend the NYS Magistrates Annual Conference from September 15-18, 2019 at an approximate cost of \$650.00.

A motion for adoption was made by Richardson and seconded by Wapner. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 138-2019** to approve agreement with Independent Contract for "Art in Nature" course for Children's Summer Program.

WHEREAS, the Town of Chatham (hereinafter the "Town") is the owner of the real property located in the Town of Chatham, known as Crellin Park, (hereinafter "Premises"); and WHEREAS, the Town seeks to retain the services of an Independent Contractor to teach a class entitled "Art in Nature"; NOW, therefore, it is hereby RESOLVED the Supervisor is authorized to execute the attached written independent contractor agreement with Christine Fahey and it is further RESOLVED, that the agreement shall become effective upon the execution of both parties.

A motion for adoption was made by Weldon and seconded by Wapner. All Board members voted in favor and none opposed, the motion carried and the resolution was adopted.

•**Resolution 139-2019** to establish Short Term Rental registration/permit fee.

On a motion by Councilman Weldon, second by Councilman Wapner and carried the Board tabled Resolution 139-19.

PUBLIC COMMENT STATEMENT

The Chatham Town Board appreciates information received from the public during the Public Comment portion of each meeting, which often is very helpful in the governance of the Town. It is, however, not intended to be a debate with the public or a question and answer period. Issues raised during the public comment may be addressed by the Board during its regular meeting or by the Supervisor between meetings as necessary. As a courtesy to the other members of the public, there is a 5 minute per person limitation on oral comments for each public comment period. The public is also encouraged to provide the Board with written comments or materials when the subject matter cannot be presented in this time frame. Of course, while the Board discourages any remarks which may be considered defamatory or stigmatizing, it will not restrict the content of the public comment.

PUBLIC COMMENT

Leah Jackson from Jackson's Old Chatham House explained that she had some questions but was not sure where she could ask them. Her main concern was about the parking at the restaurant since under the new code it said parking had to be in a different location. The Board explained that the restrictions would be for a new building and she would be grandfathered in to her current use. Jackson also had a question about music since the code said that it needed to end at 9PM and she sometimes had parties that lasted until 10PM or 11PM. The Board asked if the music was indoors and she said yes, so the Board said it would be fine.

Randi Walker from Chatham Center stated that she was a scientist and believed in the scientific evidence-based process, so she supported all the scientific decisions that led to the Comprehensive Plan influencing the proposed zoning law. Walker gave some background on the Comprehensive Plan, including how it was a guide and the proposed zoning law was developed from the open process of making the Plan, with multiple people involved at various elements, surveys going to all Town addresses, a booth at the Chatham Fair in 2004, and much more. She stated that Chatham had acted ahead of many communities in a way that was progressive and forward-thinking and concluded that there was ample scientific proof to show that the process had been long, thoughtful, and inclusive.

Denise Rubio-Mason from Pond Hill Road and also White Mills Road stated that she was outraged by the committee. She stated that when the Board referred to the Town, they were referring to themselves, since the remarkable turnout was a result of residents not being heard. She asked how many times residents would have to come out in large masses and how many letters would they have to send before the Board understood. She believed that things were going well, but maybe the concerned citizens were late to the party when realizing that the situation is not good. Mason asked why on earth residents would be required to have behavior monitored in such ridiculous incremental amounts and stated that the law would change the whole climate of the area. She wondered if the law was to attract developers, added that the Board should be concerned about its constituents, and that while the Board may tell Jackson that it was fine to park at her restaurant they did not have any guarantee that it would remain that way.

JP Henkel from Chatham Center stated that he was a former Zoning Implementation Committee member and understood that the process was difficult but that the Board must persist until the law was as good as it could be. Henkel noted that both he and Balcom were science

teachers and knew that, in designing a new system, scientists try to break it. He explained that a lot of pieces of the proposed law could be broken and, as a former member of the Zoning Board of Appeals, also knew that there were many pieces of the proposed law that the ZBA would have a difficult time knowing how to interpret. Henkel stated that he did not understand why the Board could not make changes in pieces so the community could contribute more effectively. He felt that residents had not been informed in an effective and 21st century way instead of living under the unreasonable expectation to pick out the meeting notice in a newspaper. He concluded with an example of living in the Village of Chatham and receiving a notice every month with the water bill and begged the Board to do more to keep everyone informed.

Lisa Rugen from the Village of Chatham thanked the Board for being in office and taking the thankless job that many would not want. She spoke from her experience as an event planner in managing people in referring to the many tools that the Board could use to get the message out. Rugen noted that many people have two or three jobs, but with Facebook and texts from organizations, it is easier to inform and keep people up to date. She also asked about the survey that had gone out in 2004 if it had also gone to the Village. [Interrupted by a short discussion including talking amongst the public]

Abi Mesick from Chatham reiterated her comments made in previous meetings that, beyond a shadow of a doubt, the Comprehensive Plan was severely outdated, adding that it was adopted ten years ago but written several years before that so its main issues no longer applied. She did not doubt that the Plan was well-written and that many people spent time on it, so it was no one's fault, but the proposed zoning law was ahead of itself. We need to take a step back and be a little more thoughtful, we can work this thing out. Mesick concluded by commenting on the subject of civility. At the last meeting she saw the Town Clerk treated in the most disrespectful fashion imaginable. We can all..... (Applause drowned out the rest of the sentence.)

Linda Ziskind from Chatham began talking but was interrupted by hissing so stated that she wanted to reclaim her allotted time to speak. She stated that many people had been involved in the Comprehensive Plan and that while the Plan was not a series of laws, it showed the needs and desires of the Town going forward with the intention and goals put forward that went into the zoning law. Ziskind stated that a lot of details and misinformation about short-term rentals was going on and that of course everyone can rent as much as they want, and that the 160 days were less than the federal guidelines for claiming residency. She said that around the country and around the world, communities were being decimated because they are no longer occupied by your neighbors. They are occupied by overnighters who didn't care. She mentioned a situation with a short-term rental on her street with a non-resident owner where the police were called four times in the past year because of the noise, garbage and the intrusion into private property. [Members of the public began asking about letters and if there was proof of these violations.] The point is that we are a community. It is clear that a lot of complaints about our zoning law are made by people who have not read the law. She also stated that the zoning laws were outdated and that no one would drive a car from the 1970s. [More public outcry.] Ziskind concluded that the zoning laws have been up on the website. [Her time was cut short by general noise from the public, Lull shouting to maintain order, and other people yelling for civility.]

Peter Newman from East Chatham stated that he enjoyed where he lived and moved up to Chatham but would never be local even though he had been there 35 years. He wanted to keep the integrity of neighborhood somewhat as it and he likes how things are. Newman noted that there once was more smoking but things changed, including the exit signs and security lights in buildings. He stated that everyone needed to abide by laws and exercise civility, but did not think

people had read the Comprehensive Plan or proposed zoning law. He did not know why people were involved unless it was the short-term rental issue that was bothering everyone. [The public began to talk and Lull and Richardson stated that all comments must be directed to the Board.] STR is a hot button issue EVERYWHERE, don't blame Chatham. Newman stated that no one was getting anything out of the law and that no one was acting covertly, which you all seem to be saying, he would argue that point with anyone, and he requested that no one say that the Board was getting anything out of the law.

Sharon Frerring from New Concord Road stated that she and her husband were hoping to stay until the end but that it was not a diverse Town anymore. But a West Chester environment, which we are not. She noted the concern that she was not sure how to follow up on the work done, such as since she lived in RL-2, there was an auto repair business in her neighborhood that would not fit in the new law even under a special use permit. Frerring stated that the Board was adding many more restrictions like Big Brother coming to Town, and she recommended that before the Board did anything new that they should put their own house in order. She also spoke on Airbnbs and that she would rather have that than long-term rentals with terrible neighbors. Frerring stated that the proposed laws were a huge infringement on ownership rights, but that she wanted a nice and inclusive Town with both young and old who use local services and pay school taxes without being a burden on the budget. She wants a community with reasonable zoning. She does agree that the zoning is outdated. She concluded that she did not want to live in Westchester which she feels is the direction the new zoning will be taking. Our building department will be full-time, with full time pay and benefits. Don't make laws and ordinances that could not be enforced with more than a reasonable effort.

David Rinaldi from Old Chatham stated that he was a 20-year resident and that it was good to be part of the process and see many people present. He thanked the Board for doing what they did and wanted to state two things. One, if the Board really felt that they were progressive and transparent, and he believes the Board really believes they are, they should consider what the residents were saying and submit information in a different way than they originally did. He used the example of Jackson needing to come out on the night of the vote to ask about her parking situation to explain that the Board was way too late. Two, Rinaldi asked the Board to slow their roll and be a little more transparent by putting it out for all of us. He concluded by stating that if residents did not understand the law on the night of a vote then the Board had failed them.

Lucinda Buckley from Malden Bridge for 23 years thanked the committee for the Comprehensive Plan and the wonderful job they did, and stated that she recognized that the Zoning Implementation Committee intended to put the Plan into effect. As a lawyer, Buckley noted that she wrote some zoning laws and believed that the particular draft going forward was very complex, very difficult to understand and is unsuitable for this community. There are things in this plan that are very scary, very messy, and would change the character of the community and that is her concern. She turned the rest of her time over to her 18 year old daughter.

Allison Buckley stated that she had the privilege growing up in Chatham to have horses, cows, and other livestock, but the experiences she enjoyed might not be enjoyed by others. She particularly noted that her horses might or might not be allowed in the future, since under the proposed law, if her family was not able to keep horses there for a year, the allowed use might be forced to end. At the same time, however, her family could theoretically subdivide their land and build 10 additional houses, which she did not believe went along with the country environment. Buckley believed that the provisions of the law would make Chatham resemble suburbia like

Loudonville and Colonie. She concluded that homeowners choose Chatham for its rural nature, and that the law would severely limit homeowners and change the dynamic of the place she cherished and called home.

Melissa Pollack from Chatham Center stated that it was safe to assume everyone had a cell phone and internet access, but for anyone who did not could go to the library for those things. She stated that everyone seemed to be upset about the process and was acting like the Board was an unfamiliar and unapproachable group sitting behind a fortress, but all of the Board's contact information was available on the website. [Members of the public asked if Pollack was addressing the Board.] Pollack stated that she was addressing everyone in the room. [Members of the public told Pollack to address the Board instead of scolding everyone.] Pollack said that she preferred having more respect for everyone. [General chaos resulted in Lull shouting for order.] Pollack emphasized that none of the proposed law was being done in secrecy since everyone could have responded to surveys, though outreach at that point was a moot point. She told everyone that instead of being scared of the law, coming up with conspiracy theories, or waiting for a meeting where they only had three minutes to talk, that they should try calling or emailing the Board with questions since everyone was approachable. Pollack stated that the original 1972 Comprehensive Plan was a recipe for turning Chatham into Loudonville and that was why Kary Jablonka and everyone else at that time was scared because the Town had no protection whatsoever. She concluded that the process was done to protect the Town, no one was doing anything conspiratorially evil to anyone, she wished that everyone would take it down a couple notches and use some common sense, and that everyone should ask questions instead of getting people riled up in a meeting.

Bill from Chatham asked about the noise ordinance, including lawn mowing, cutting firewood, driving a quad, and running a tractor. [Another member of the public stated that he ran his compressor all day so he could feed his family.] Bill stated that the Board was not helping him if they were just shaking their heads. Balcom replied that if he had read the code then he would have seen a number of explanations and that everything they were talking about was exempt. Bill asked about target shooting. [Another member of the public stated that it was permissible if it was a legal set-up.] Richardson stated that if anyone had a question on the code then they should call the Board, and that all the guidelines on noise came out with the compromise with PS21 since the standard was set then. He noted that he knew of two people who moved out of the neighborhood over that, but as Balcom stated many things are exempt. Richardson concluded by stating if anyone had questions to call the Board, and especially Balcom since he had worked with the law from the beginning.

JP Henkel agreed that the decibel numbers came from the PS21 project, but that he had voted against it when the issue came before the ZBA. He noted that there was a lot of confusion and requested that the Board please set something up so instead of individuals getting questions answered by the Board members at random times that the Board could break down the whole document so it would be easier for residents to digest and comment on. Henkel emphasized the importance of having a public forum that would be suitable for the community to talk to each other about the proposed law.

Tom Shanahan from Chatham stated that he was a fourth generation farmer and that the main issue was that people were upset about being told what they could and could not do on their own properties. He referred to Lull quoting Kennedy in talking about the advantages of changes, and then quoted the Declaration of Independence in reference to "life, liberty, and the pursuit of happiness." Shanahan noted that the original language was "life, liberty, and property," but they

changed “property” to “the pursuit of happiness” since the founders thought not everyone might want to own property. Shanahan believed that “the pursuit of happiness” for him was defined by being able to maintain his family farm after ancestors had passed on, which included him being able to rent the property to whoever he wanted to. He added that the problem with restricting rentals according to a number of days was the word “allow,” since the Board could not tell people what they could and could not do with their own property. Shanahan noted that there were two types of people—people like him who minded their own business, respected their neighbors, and enjoyed a little bit of civility; or, the other type who wanted to control what other people did. He did not know for the life of him why anyone would want to control others, but maybe that was why there had to be an association to control civility because people were tired at every level of being told what to do all the time. [Interrupted by someone yelling, “Preach!” and loud applause.] Shanahan concluded by stating that if someone wanted to build that slaughterhouse, then the Board should have a town meeting and everyone could talk about it.

Francois Novotny from Loomis Road in Chatham mentioned that there was a lot of talk about civility. He thought the way to take ten or twelve steps toward civility and to watch it go through the roof would be for the Board to stop advocating for serious infringement on people’s individual rights and property rights. He emphasized that he and others were able to respect their neighbors and be friendly with them, not to tell them what to do. He encouraged everyone to talk to their neighbors and noted that if an issue about a slaughterhouse came up that they could have a Town meeting and work it out.

Van Calhoun from Chatham thanked the citizens and Board members alike for their energy and the commitment to the Town. He spoke about civility and his involvement as a citizen at the Chatham Center Town Hall the first time someone grabbed some chalk and wrote “Comprehensive Plan” on the board. Calhoun mentioned how the community focus was how to face a changing world, also mentioning his family history of serving in the American Revolution and his family’s property being split by the Taconic State Parkway through eminent domain. He mentioned that his family had no choice in the matter, that it was now dangerous to travel on his road on Fridays because of the traffic, and that the noise from the Taconic could be awful at times, so he understood the problem of losing rights and how important it was to have a Comprehensive Plan so not to lose further rights to the NYS Courts. Calhoun mentioned that situation was what growth looked like and that the Town needed to steer toward good practice and policy with solid science behind it. He concluded by saying that he sat in the seats of those who disagree with the proposed law, and that he disagreed with the regulations and understood the fear of losing rights, but that the Town had a strong, well-crafted, and flexible document that would help change the future and make the Town better.

John Holt from Old Chatham stated that he understood that the Board had a job to do, but wondered how many Board members were born and raised in the Town. No Board members responded. Holt explained that he had served for the NYS Police for 23 years and knew what it was like to enforce the laws. He stated that the laws the Board was proposing here were nonsensical and that they would be running the law enforcement officer ragged. Holt noted that there was no way for the law to be handled and that the Board should have slowed down and worked on it at a pace that all could understand. Holt concluded that when the Board tried to cram the proposed law down their throats all at once, the residents were not happy, he wanted everyone to have a fair shake here and he knew that the Town was not getting it from the Board.

Beatrice Cohen from the Village of Chatham asked if the Town zoning code superseded the Village code. The Board responded that the two codes were separate.

Erica Heinz, lifelong Chatham resident, stated that she read the proposed law and could not believe where it came from. She read the old zoning law and then read the two side-by-side. Heinz stated that she was frankly appalled, and while she understood all the effort that went into the law and admired the process that needed to be done, she believed that it did not protect what the Town had but would change everything and restrict rights in a humongous way. She noted that there were restrictions on signage, parking, garbage cans, front yard and side yard allowances, environment overlay, lights, and much more. Heinz stated that the more she read, the more upset she became because of what changes the Board believed were right for the collective community. She thought that the Board really and truly needed to take a step back and consider what the Town currently has, but not what they wanted to change it into. Heinz explained that she did not need to be told what color to paint her house or what roofing materials to use, and she did not think anyone needed to be told that. She concluded that she read the document, the Board should not tell her that she did not read it, and that the Board needed to take a step back because the proposed law was a huge mistake.

John Fiorillo from River Road in Chatham stated that he and his family were residents since 1972, first as weekenders and then mostly full-timers, though apparently not full-time enough for Balcom and Richardson. He shared a couple things he heard from residents, including that many people were talking about the Board listening but not listening. Fiorillo believed that the Board was “listening” but that they did not “hear,” since those words had different meanings and he encouraged everyone to look it up. In considering the Comprehensive Plan, Fiorillo noted that he was on the committee many years ago and that no one was criticizing those who worked on it 11 years ago, but that everyone had to realize that the Town was no longer the Chatham of 2007. He explained that the original two goals of the Plan were to promote farming and breweries. Today, Chatham has 18 breweries within 15 miles of the Village, and only 5 farms, the result of which was not an economic development strategy, but now most farms are trust-funded and dairy farmers were going down the tubes unless the Town stepped in to help. Fiorillo also addressed Balcom’s statements about the Comprehensive Plan, noting that he read all of the plans when they were at various stages and spent much of his life in federal, state, and local official positions. Fiorillo stated that laws were meant to deal with behavior, not with who people were based on their residential status. He said that people who tried to make laws that govern individuals based on who they are as a resident and give them different individualized rights were acting in an unconstitutional way and would create unenforceable law. Fiorillo complained that Balcom was scowling and looking down and demanded that Balcom look at him. Balcom responded that he was trying to keep track of the time and that Fiorillo’s time was up.

Elizabeth Ciesielczyk from East Chatham stated that it was the first public meeting she ever attended and that she came because she was following the issue online. She stated that she had children at home, so came without her husband, and she saw all the dirty looks given to the poor little baby present, which meant that the Town was not as community friendly as it should be. Ciesielczyk stated that she had been following the documents and keeping an eye on the situation, and the law had a lot of ambiguity and raised a lot of questions that have not been answered. She requested that the Board not tell her to attend another meeting or to call them because the residents all had questions and the current meeting was the type of forum where they expected to have their questions answered. She noted that unless she misunderstood how government operated, she showed up at the meeting to be further informed about what she read about online and disagreed with all of the proposed regulations. She emphasized that the Town residents needed to be informed and that there were people who were trying to figure out what

was going on, The Board should not tell her that they could not ask questions at a meeting unless they wanted to talk to her on the phone while she was caring for a baby and doing all of her daily tasks. She noted that residents set aside an evening to be part of a forum, but it was hard to participate when what the Board said did not make sense, such as Balcom using the issue of a slaughterhouse to explain why zoning laws were necessary. Ciesielczky stated that it was a different issue, since no one was building a business on their neighbor's property, unless she was really confused with what the real topic was about. She concluded by requesting the Board to address the Town's concerns with the same civility that they were asking for and realize that the residents needed something from the Board in return.

Scott McCagg from Chatham stated that he wanted to give his 3 minutes of time to John Fiorillo who had been speaking previously.

John Fiorillo stated that when the Thomas Road situation came up, the Board passed a moratorium on any development on dirt roads. He referred to the Town records showing how Balcom had said the moratorium was necessary until the Town could redo its Comprehensive Plan, but a couple years later, redoing the Comprehensive Plan became second priority to passing a new zoning law, which was based on the old Comprehensive Plan that promoted farming and breweries. Fiorillo concluded by stating that it was an interesting change of heart.

Gale Lundy stated that she lived in Chatham for 76 years and honestly never felt like she needed zoning restrictions. She explained that she had great neighbors who change a lot, but she never had an issue with anyone she could think of. She recommended that the Town go after residents who were not responsible, such as keeping junk cars and run-down homes, since the people she knew kept their properties nice. Lundy also asked who was going to enforce such things like when people would mow their lawns, who the Board would hire, and what kind of person would want to enforce that kind of law. She concluded by reminding the Board that they represent the Town residents and that the residents put them there, so if they voted for the proposed zoning law the residents would go to the voting polls and the Board would no longer be sitting there.

Jason Martino from East Chatham said he was a painting contractor who knew a lot of people at the meeting and stated that if this was the plan for future growth that the Town would take a big hit. He spoke about a possible recession in 5 to 18 months and how he knew many carpenters and other business owners who were insulated from former recessions even though many projects were cancelled. Martino stated that Airbnb would help future fall-outs but restricting the amount of rentals would create less investment. He emphasized that the Town needed to put in place a plan that would protect its families and jobs during future recessions and that while property owners on Thomas Road or Phelps Road would not feel the impact, others like him would feel the impact. He concluded that when recessions do happen, contractors and others need to make sure their investments are secure for their families during those times.

Clark Fibideau from Pond Hill Road stated that he was a taxpayer for 20 years. He thanked the Board and committees for their hard work over the years and knew how many meetings they had to attend, so he did not understand the suspicion since he did not doubt their devotion and sincerity to the Town. He had questions about short-term rentals and did not know if anyone had answers, since towns all over the nation and country were struggling with the issue of what short-term rentals would do to the real estate market. He believed that short-term rentals would do two things—make it less expensive for part-timers to buy homes and be more expensive for full-timers or those who want to be full-timers to buy property because the values will change significantly. He also thought that short-term rentals would increase the number of

absentee owners since people would buy strictly for business reasons, residents would never see them, and those buyers would not care at all about Chatham. Fibideau concluded that there were beautiful places in the Hudson Valley and going through these issues wished there were restrictions on short-term rentals.

Steve Scoflick (?) from Chatham thanked the Board for their work and their time in trying to make the Town the best it can be. He believed that the controversy came down to two things. One, economics, using the example of the Town of Kinderhook going down the slippery slope when it did not allow Kinderhook Toyota update its building and the business went down to Ghent and Ghent got the tax revenue. He stated that a similar thing could happen in Chatham, but tourism and second homes were good for businesses and giving more money to the Town, but if they are pushed out it would cause a problem. Scoflick noted that if residents have a wedding, there was nowhere for guests to stay, and as a homeowner wanting to make a little extra money on their properties, it was a really dangerous to infringe on that right. Two, he has been married for 8 years and he learned that it was better to be wrong and happy than to be right and seriously unhappy. Scoflick was not expecting the large outpouring of residents to be present, but told the Board that in a crisis there was an opportunity and it was obvious that they were trying to jam a square peg in a round hole. He noted that they were going a little too fast and could be more transparent. He concluded by noting that the Board's comments were really well-thought out and they were smart folks so take this as a good learning opportunity since it was a lot harder to undo something bad. They should exercise more patience to make the majority of residents happy instead of being unhappy.

Jodie Paris from Silver Maple Farm told Scoflick that she has 8 empty rooms and that she knows many others who have empty rooms, which makes her need to continue dispelling the rumor that there is not enough lodging in Chatham. She spoke about Airbnbs not going to put Chatham on map because tourism existed before Airbnb and is supported by shops and small business owners instead of Airbnbs offering substandard and cheaper places so that people do not have to support local restaurants and businesses. Paris noted that many Airbnb complaints say that they are not suitable places to stay and if everyone operating Airbnbs had to do everything that she did to keep the Inn open that their rooms would cost the same as hers. People tell her that her rooms are too expensive but they only cost what she needs to pay to keep the place open and she never made more than what she pays the Chatham School District every year. Paris concluded that her rates were lowered from what her predecessors charged in 2006, regulating short-term rentals was not punitive action, and would be happy to provide a list of everything she was required to do but it would take more than her allotted amount of time to talk.

Pam Djorn from East Chatham stated that if the goal was to ensure that outside investors do not come and buy all the properties and make them into short-term rentals that the Board should regulate that, not deal with owner-occupied homes. The Board replied that they were not regulating owner-occupied homes and that she was wrong. Weldon stated that everyone should read the law. Wapner stated that residents could rent their home all year with a permit if they were a resident. Richardson stated that if people read the law they would know that if they owned a one or two bedroom home that space could be rented out. Djorn apologized for being wrong and stated that if the Board's goal was to keep investors out she did not understand why there were regulations on second-home owners as well because it did not make sense.

Vance Pitkin from Old Chatham opened by stating that he read the zoning law and was concerned that the 221 pages was not reasonable for the average busy person to read because it had too much to absorb. He was also concerned because he would not be allowed to run his

antique steam engines according to the proposed law. Pitkin mentioned that he was told three times not to be worried about the clause about enforcement, but read from the code verbatim about offenses and charges, noting that it sounded clear to him and not ambiguous at all. Pitkin heard from the Town Attorney that the language was standard boiler-plate language for zoning laws, but that it was hardly ever enforced. He concluded that if what the Attorney said was true, then why the law included that section, assuming that the only reason he could come up with was it was in order to intimidate law-abiding citizens to do whatever the Board wanted them to do.

Tom Shanahan asked the Board if the opposition to the proposed law counted or if the meeting was a waste of time. Lull replied that the Board was listening and that they heard.

Hilary Corsun from Old Chatham stated that the process clearly took a long time and no one was debating that. She heard a lot of different things and believed that it was a failure of process. Corsun said that the Board needed to review why a lot of people were unhappy and discuss the issues, have conversations, and work so that the law is at where the majority want it to be.

Rick Werwaiss from North Chatham stated that he was involved in the process from the very beginning and welcomed people reaching out to him and asking more specific questions. He explained that there had been tons of opportunities to get engaged and he drove to the meeting to see everyone present and hoped everyone would be present when the next round of Comprehensive Plan and zoning law work needs to be done. Werwaiss spoke about the process of putting the law together, including going through it line by line, comparing it to laws in other communities, rejecting certain issues, amending other points, getting input from other town officials, doing a lot of outreach and engagement, and more. He noted that he did not think the law was perfect but looked forward to seeing everyone going forward when the Board meets to discuss what is working, what is not, and how to update both the Comprehensive Plan and the proposed zoning plan. Various members of the public asked if Werwaiss was on the Board. He should be addressing the Board so why was he talking to the public. What is his association with the Board, and why should the public be listening to him. Werwaiss stated that if people did not like what he said that they should not listen to him.

Wayne Coe from Kinderhook Street wanted to talk about some issues regarding short-term rentals. He noted that two local B&Bs made major improvements to their properties and neighborhood in preparation to rent out their whole place or just rooms in the house. Coe stated that while many have said short-term rentals cause a problem, his experience showed the total opposite, which made him think it was merely a landlord-class law coming down on people who have to try and make money off their property. He added that if B&Bs were really that bad then he would want to hear about the hundreds of letters of opposition received from citizens, again reiterating that the only reason he could see for the law was to extract taxes from citizens and terrify owners of short-term rentals. He wondered how many people at the meeting had an objection to that piece of the proposed code and he recommended that the Board extract that from the law. Coe concluded that since, according to Lull as a realtor, it would be cost neutral, he wondered why waste the money and plague the owners instead of benefit the community by taking out the portion and making some of the residents happy.

Donal Collins from River Road in Chatham wanted to address enforcement and specifically the overreaching nature of the massive document. He wondered what would prevent the Town in the future from hiring a compliance company or firm with the reason that CEOs Jim Quinn and Kent Pratt would be too overwhelmed with their existing work, especially as some have said that Quinn and Pratt are already at their max. Collins noted that he wanted everyone to

look up the Host Compliance firm which was planning on policing Airbnbs. He said that in regulating, residents want to know their neighbors, but warned against bringing in an unknown outside firm to police citizens. Collins feared that the next step in the massive document would be yet another firm to monitor and enforce, which was the motto of Host Compliance.

Matthew Pironne from East Chatham began by explaining that spending time by finding new ways to control a neighbor's property was not laudable. He referenced the Board's comments about compromises being made and stated that he did not know who the compromises were made with but had an idea that it was with a very small group of likeminded people. Pironne believed that the ignorance of a vast majority of people had nothing to do with their own ability to receive information but was rather the responsibility of the planners to properly disseminate information, when most of it occurred by a quiet posting of a huge document on the website. He had questions about the grandfathering rules in the proposed law, particularly because his understanding was limited and he did not know where the antagonistic nature of this law came from, but it seemed to prevent him from using his property to park his own car. He wondered if Jackson sold her business if the allowance to park on the road still was in compliance, or if she shut down her business and a neighboring business opened, if the uses would be different. Pironne did not think it was a good system since it appeared to treat two neighbors differently depending on when they got there. In regards to disagreements and civility, he stated that the only time he heard raised voices was when the Board decided to withhold an opportunity from the citizens to speak at a meeting. Pironne stated that real incivility was disrespecting ones neighbor, or not respecting their rights and not allowing them to live their lives unencumbered by ambitions to create a society that only satisfied the self-interests of a few. He was glad that the Comprehensive Plan had a booth at the fair 15 years ago, but also recommended newsletters and updates being put on the website and said that the Board had no excuse to blame residents for not knowing what they were doing. He concluded by mentioning he had spent hundreds of hours volunteering, such as with the fire company, and was attending the meeting to know what the Board was doing in regards to what he could do on his own property.

Christy Lynch from Old Chatham said she was born and raised in Chatham but moved out after college. She lived in an area with strict rules about what could happen with their property and what could be in their driveway, so after her son was born, she moved back home so he could grow up the way she did, be able to fish, drive four-wheelers, mow the lawn, and do other things. Lynch stated that all the Board is doing by not listening to its citizens is that all long-time locals will leave, and that unless the Board started listening to residents that they would no longer be there. She hoped that when she attended another meeting after November that they would not still be sitting there.

Carol Hegeman from Chatham Center stated that she was a long-time resident and loved the area the same way everyone else did. She and her husband worked on the Comprehensive Plan and she agreed that it was not perfect and had flaws. Hegeman was actually surprised at the opposition because of her familiarity with it, to the point that she saw the good in it and others saw the bad. She wondered if a solution could be reached by people with real issues writing down really sincere questions and having the Board answer them in a comprehensive fashion. Hegeman mentioned that she was hearing things in the meeting that she believed were not correct, so she wanted to have those issues cleared up, as well as bringing down the antagonism. She agreed that Chatham was a place everyone wants their children to grow up in so that residents should find a way to work together and get answers to questions without anger and

rancor. She did not know if the Board would agree but hoped they did, especially by at least addressing the top twenty out of 100 questions.

Melanie Hoops suggested that not everyone come to the next meeting but the Board could hold a forum where questions could be presented and the Board could give answers back to the group. She thought it was a fair thing to offer a question and answer session to residents and that enough people would be willing to participate.

Tom Shanahan noted that the issue could be sidelined until the next election.

Lucinda Buckley had a suggestion after having followed the process and having spoken to dozens of well-informed people who had no idea that a zoning ordinance was being passed. She stated that many people thought an Airbnb law was being figured out based on what they saw in the paper, but the important thing was for residents to have knowledge about the ordinance and possible use changes in order to get things done on their own property. Buckley understood that the Board already did legal notices but she suggested that it would be performing due diligence to send a letter to property owner in the Town and inform them of the possible change in the zoning ordinances and provide them with a link to the website so they could download the ordinance and read it. She also noted that the Town website used to be messed up with a virus so she previously was unable to download anything. Her main suggestion was to send a letter to everyone who owns real property about the proposed zoning change.

On a motion by Councilman Weldon, second by Councilman Wapner and carried the meeting adjourned at 9:10PM

Respectfully submitted by,
Beth Anne Rippel, RMC
Town Clerk